

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DENNIS WILLARD POWELL, JR.,

Case No. 2:21-cv-02168-EJY

Plaintiff,

v.

ORDER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Before the Court is Plaintiff Dennis Willard Powell, Jr.'s Application for Leave to Proceed *in forma pauperis*. ECF No. 1. Plaintiff challenges the Social Security Administration's denial of Social Security Disability Insurance benefits.

Plaintiff submitted the declaration required by 28 U.S.C. § 1915(a) showing an inability to prepay fees and costs or give security for them. Plaintiff's request to proceed *in forma pauperis* is granted. Because Mr. Powell is represented by Counsel, his Complaint is not screened for sufficiency.¹ Further, counsel for Mr. Powell appears to have sought summonses as required including to: (1) Office of the Regional Chief Counsel, Region IX, Social Security Administration, 160 Spear Street, Suite 800, San Francisco, CA 94105; (2) the Attorney General of the United States, Constitution Avenue & 10th St., NW, Washington DC 20530; and (3) United States Attorney's Office for the District of Nevada. If service on any of the above has not been requested, Counsel for Plaintiff is advised to seek service upon such person identified above.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application for Leave to Proceed *in forma pauperis* (ECF No. 1) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Complaint (ECF No. 1-1) **shall** proceed against Defendant.

¹ Retention of counsel does not preclude *in formal pauperis* status. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342-43 (1948); *Handley v. Union Carbide Corp.*, 622 F. Supp. 1065 (S.D. W.Va. 1985).

1 IT IS FURTHER ORDERED that the Clerk of the Court **shall** detach and file Plaintiff's
2 Complaint and Exhibit A (ECF Nos. 1-1, 1-2).

3 IT IS FURTHER ORDERED that Defendant **shall** have **sixty (60) days** from the date of
4 service to file his answer or responsive pleading to Plaintiff's Complaint in this case.

5 IT IS FURTHER ORDERED that, henceforth, Plaintiff **shall** serve upon Defendant a copy
6 of every pleading, motion, or other document submitted for consideration by the Court. Plaintiff
7 shall include with the original paper submitted for filing a certificate stating the date that a true and
8 correct copy of the document was mailed to Defendant. The Court may disregard any paper received
9 by a district judge, magistrate judge, or the Clerk of the Court which fails to include a certificate of
10 service.

11 DATED this 10th day of December, 2021.

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14 ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE
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